

From Paul Nachman testimony in favor of SB346 (Shackley)

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O.C. city to put contractors on spot in immigration law enforcement

Mission Viejo poised to enact ordinance requiring them to verify legal status of employees.

By Jennifer Delson, Times Staff Writer

March 17, 2007

With the federal government stalled on national immigration reform, a handful of local governments around the country are enacting laws designed to discourage the hiring of illegal immigrants.

Mission Viejo is poised to become the latest city to try to crack down on illegal immigration. Council members on Monday are expected to approve one of the nation's first local ordinances that would require city contractors to check their workers' immigration status with a government verification system.

The city will probably become a model for others, according to advocates for immigration law enforcement.

"These things will soon spring up all across the country," said Ira Mehlman, spokesman for the Federation for American Immigration Reform. "Local governments are tired of the federal government's failure to control illegal immigration. Local governments can't deport anyone but ... what they can do is regulate businesses that serve as a magnet for illegal immigrants."

The Mission Viejo effort differs from those of about two dozen local governments because it seeks to control the hiring practices of local businesses.

If approved, the Mission Viejo ordinance would require city contractors to participate in the Department of Homeland Security's Basic Pilot system, a free Internet service that tells employers if an applicant is eligible to work in the U.S.

It also requires the city to check the immigration status of its employees. The ordinance was unanimously approved on a first reading this month, with the backing of the Mission Viejo Chamber of Commerce.

Beginning in July, contractors who do not participate in the program would lose their city contracts.

Monitoring contractors was a natural for Mission Viejo, said Councilman Lance Maclean. The city of 98,000 people, which employs 107, uses contractors for landscaping, trash removal and street sweeping. The City Council last year approved about 50 contracts.

Councilman John Paul Ledesma said he conceived the new law after a resident told him about the Basic Pilot system. The resident had fought a day laborer site in Lake Forest and had urged Mission Viejo to pass an ordinance to limit loitering in an effort to clean up a similar site.

"We have the obligation to uphold the law," said Ledesma, who is running for the 71st Assembly district in June. "We should not be part of the problem" of illegal immigration.

Some Orange County Latinos said they are concerned about the use of a government database for checking immigration status, contending that it's outdated and has flagged legal workers. They also said the system encourages racial profiling.

"It's bad for business. It's bad for the economy of the United States," said Ana Maria Patino, an activist in Laguna Beach. "We need to figure out that we need these immigrants to keep the economy going."

The Los Angeles-based National Immigration Law Center opposes measures such as the one in Mission Viejo.

"Mission Viejo has no expertise to do what it's doing," said Mariaelena Hincapie, an attorney at the center. "We are in the midst of national immigration reform. Some federal eligibility verification system will take place this year. Local governments should wait for the federal program."

Sharon Rummery, a spokeswoman for U.S. Citizenship and Immigration Services, said the Basic Pilot program has worked well for most participants and the number of employers using it now totals about 15,000.

Its use is not required by the federal government, although last year Congress unsuccessfully proposed making it mandatory for all employers in the country.

"We feel it works great," Rummery said. "You can use it and it's free. You won't invest in a worker other than one who is legally in this country."

As few as three cities in the U.S. require their contractors to participate in Basic Pilot. Two other cities that recently approved similar ordinances include Inola, Okla., and Hazelton, Penn., where a broader ordinance is being challenged in court on the grounds that local government cannot enforce federal law.

Georgia and Oklahoma have passed laws for state contractors. Cherokee County, Georgia, and Beaufort County in South Carolina have approved the rule for their contractors.

David Adams, chief executive officer of Lookout Services in Houston, Texas, which helps employers meet federal immigration guidelines, expects more cities will participate in Basic Pilot to check employees, contractors or both.

He questions whether the program can handle the increased workload but thinks that more participants will send a message to Washington, D.C.

"They're going to know that cities have had it," he said. "They're just fed up."

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Immigration: When doing the right thing hurts

By Mark Cromer

March 22, 2007

Kirsten Stewart is not the kind of American that President Bush and the Democratic congressional leadership is likely to bring up as they renew their push for so-called comprehensive immigration reform.

Stewart is not the personification of any of the cliches that Bush and the Democratic leadership enjoy tossing about; she is not an impoverished illegal immigrant "living in the shadows." Nor is she a businesswoman who can't seem to find an American willing to work hard for a fair wage.

To the contrary, she is an example of the steep price America pays in integrity when its government refuses to enforce its laws, allowing many of its citizens to violate it with absolute impunity.

Stewart is a landscape professional trying to do the right thing by refusing to hire illegal immigrants – a decision that's effectively putting her out of business.

As a 40-year-old, college-educated woman living in Santa Monica, Stewart has pursued her dream of running a landscape design business for four years, the last two of them on her own.

Even in the highly competitive market for well-heeled clients in Los Angeles' Westside neighborhoods and along the glittering Hollywood foothills, Stewart was confident that her design talents and strong word-of-mouth referrals would guarantee her a solid customer base for her business.

It almost certainly would have, except for one thing: she won't hire illegal immigrants for her work crews.

When she submits a bid to a prospective client, Stewart calculates her labor rate at \$15-an-hour or more depending on the job; it's a decent wage with which she knows she can hire American citizens. Paying a living wage to her workers is also at the core of the progressive political

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identity she forged while living in San Francisco.

But she has watched that egalitarian vision end up in the garbage bin as competing designers submit bids with radically lower labor costs – a strong sign they are using illegal immigrants for their work crews.

When she first moved to Santa Monica in 2002, Stewart says she was oblivious to the problem and consequently hired illegal immigrants as well.

Yet it wasn't long before she began to feel that there was something inherently wrong with her hiring illegal immigrants. She says it became clear that it hurt her community more than it helped her bottom line.

"I realized that my foreman, who has been in the country a long time, doesn't have any desire to be a citizen. He has such a strong allegiance to Mexico," she says.

But it was Stewart's pregnant nanny from Brazil, also without papers, that pushed her to make a dramatic change.

"She told me that she was so happy that she was having her baby here because (her child) would get a real Social Security number. She told me how surprised she was at all the 'free' neonatal care she was getting and all the other 'free' health services," Stewart says. "That's when the light bulb went off."

Stewart fired her nanny, stopped hiring her foreman and vowed she would only use workers legally in the country.

Almost immediately, she started losing bids.

In a bitter irony, Stewart says many of her prospective clients are dyed-in-the-wool leftists who embrace living-wage ordinances and stronger worker's rights laws.

"They will invariably ask me why my labor costs are so high," Stewart says. "I tell them point-blank it is because I only use legal workers, either citizens or legal residents. I've had a few prospects just stare at me silently after I have told them that, like I have done something wrong. Others have just said 'OK, well thanks for the bid.'"

The experience of trying to do the right thing has left her feeling helpless and embittered.

"I can't compete by playing honestly in an industry where most everyone else is breaking the rules," Stewart says. "And they aren't breaking the rules because Americans won't do these jobs. They are breaking the rules because they don't want to pay a decent wage."

Stewart is bracing herself as the cliché-riddled debate over illegal immigration kicks back into high gear, knowing that she is likely to hear politicians rail about a broken system.

"The system isn't really broken at all," she sighs. "The system would work just fine if the people had the honesty to play by the rules of the system and if the government had the guts to enforce the rules on those who choose to break them."

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The News Courier

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State's proposed bill would be one of toughest on illegal immigrants

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By Karen Middleton

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— A package of bills filed this past week before the Legislature, would give Alabama some of the toughest laws on the books in the nation against illegal immigration.

This is the second crack Rep. Micky Hammon, R-Decatur has taken at putting some teeth in the laws of a state that is home to an estimated 250,000 illegal immigrants.

Hammon's immigration package made it out of committee in the waning days of the regular 2006 session of the Legislature, but too late for a vote.

"It got out of committee last year, but it was so late and people dragged their feet and it didn't get to the floor a vote," said Hammon.

The legislator said three of the bills are from Gov. Bob Riley's Plan 2010. He said they stand a better chance of passage this year because legislators' constituents are demanding something be done about illegal immigration.

One of those who welcomes stiffer laws is Maria Taylor of Athens. Taylor, who is Hispanic, a U.S. citizen and civilian weapons system manager with the Army on Redstone Arsenal, has been an unofficial liaison with the Hispanic community for at least the last decade.

Taylor predicted there would be a "big time" impact on Hispanic workers here if the state cracks down on employers who are not requiring proof that aliens are in the country legally.

"Most people here are illegal," said Taylor. "But the business owners (who employ them) are also illegal. If it applies to one, it must apply to the other."

The bills

- HB 286 denies state economic incentives to employers who hire people who are in the country illegally
- HB 287 requires people applying for or renewing professional or commercial licenses to prove legal status.
- HB 288 requires immigrants 18 or older to prove they are legally in the country.
- HB 289 lets law enforcement officers impound vehicles of immigrants driving without a valid driver license, current vehicle insurance or proof of legal entry into the United States.
- HB 290, illegal immigrants would forfeit property when stopped for traffic violations unless the property were life-sustaining.
- HB 291, illegal immigrants who voted or tried to register to vote, or others who assisted in registering immigrants, would be committing a felony and fined.

Bills 289, 290 and 291, which were patterned after North Carolina laws, were in Hammon's 2006 package, he said.

"Now, these (2007 package) were patterned after Colorado's laws," said Hammon. "Most states are copying Colorado's laws because they have stood the test and held up."

HB 288 is similar to a Colorado law that denies non-essential services to adults but not to children. The prohibition does not apply to life-sustaining medical care or other exceptions in federal law. Hammon predicted that all the bills stand a good chance of speedy passage through both houses.

"During this last campaign, people heard from their constituents how important it was to have stricter laws," said Hammon. "They came back this year eager to get something done...I'm looking for a speedy result. We've spent a lot of time on rhetoric, but people want something done about it. People see (illegal aliens) all around them. They want action and they won't be satisfied until they get it."

HB 286 would put into law requirements that are now policy for contractors who want to do business with the state. The city of Athens will vote on an ordinance at its March 26 meeting that would require any contractor doing business with the city to provide proof that the company does not knowingly employ unauthorized

(over)

aliens and provisions for revoking the contract of any contractor the city finds in violation of this requirement. "I agree with the governor that this will be some of the toughest laws in the U.S.," said Hammon. "You will see illegals stop coming to Alabama and those that are here leave."

Stop hiring children

Taylor, who works with Saturday educational programs for Hispanics in Athens, said she is especially eager to see stricter identification requirements that would have the added benefit of preventing employers from hiring underage workers.

"I have mixed feelings about this," said Taylor, who served four years in the Women's Army Corps. "Lots of guys from Mexico and Guatemala are coming because there are no controls here, so they keep coming. Some come for a better life, but some come for alcohol and are drinking up all their money.

"And the companies, they know they are illegal. They are hiring children 12, 13 and 14 years old. I know because I help their parents. On Saturday, I ask them where their children are and they say they are working. Don't tell me that you're (employers) not going to recognize that someone is a 12 or 13 year old boy or girl." Hammon said his proposed legislation would be effective because it targets employers. "It hits them in the pocketbook," he said.

Governor's package

Riley has submitted three bills to the Legislature incorporating Hammon's bills with those of Senators Scott Beason, R-Blount, Jefferson and St. Clair counties, and Arthur Orr, R-Decatur.

"Alabama will always welcome those who follow the law when they enter our country, but we will not stand idly by and do nothing about those who don't," Riley said.

The three bills:

- Require adults seeking a government benefit from a state agency to be in the country legally. The verification of legal status includes three steps: producing a secure photo identification, having a sworn affidavit and having the application approved through the SAVE program – Systematic Alien Verification for Entitlements. SAVE enables government agencies and licensing bureaus to obtain immigration status information on individuals. Beason and Hammon are the bill's sponsors.
- • Require employers to attest that they do not knowingly employ illegal aliens before their companies could qualify for state economic development grants or do business with state agencies. Orr and Hammon are the bill's sponsors.
- Require that government entities issue and renew commercial and professional licenses, permits and similar authorizations only for those lawfully present in the U.S. Orr and Hammon are the bill's sponsors.

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Photos



During a rally in Huntsville last year, Hispanics across North Alabama supported their rights, including, as this sign says, the right "to work." A proposed statewide bill, as well as an ordinance being considered by Athens City Council members, would make it more difficult for employers to hire illegal immigrants. File photo